Annual Report
2002

Saskatchewan Conflict of Interest Commissioner

Saskatchewan
Conflict of Interest
Commissioner

SASKATCHEWAN

Gerald L. Gerrand, Q.C.
c/o 700 – 1914 Hamilton Street
Regina, Saskatchewan
S4P 3N6

Tel: (306) 787-8351
Fax: (306) 522-3555

July 17, 2003.

Speaker's Office,
Province of Saskatchewan,
Room 129, Legislative Building,
Regina, Saskatchewan.
S4S 0B3

Dear Mr. Speaker:

In accordance with the provisions of *The Members' Conflict of Interest Act*, I am forwarding to you my third Annual Report to the Legislative Assembly.

Yours very truly,

G. L. GERRAND, Q.C.
Conflict of Interest Commissioner
Province of Saskatchewan

GLG/oc
Enclosure

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ANNUAL REPORT

To the Legislative Assembly
For the Year Ending 2002

Introduction

The Office of Conflict of Interest Commissioner is created by Section 18 of *The Members' Conflict of Interest Act*, S.S. 1993, c. M-11.11. This Report, respecting the progress and activities of the Office of the Commissioner for the year 2002, is submitted pursuant to Section 25 of *The Members' Conflict of Interest Act*.

The Members' Conflict of Interest Act is designed to promote accountability and transparency on the part of those persons we elect to carry out the legislative and executive responsibilities of our provincial government. The establishment of high ethical standards on the part of elected officials is an objective of most progressive governments and Saskatchewan has a highly regarded legislative scheme for achieving this objective, the main thrusts of which are as follows:

- Section 11 of *The Members' Conflict of Interest Act* requires each Member of the Legislature to make full disclosure of his or her private interests (including the private interests of the Member's immediate family and business associates) which information is available to me for purposes of assessing any potential conflict on the part of the Member in carrying out his or her legislative or executive responsibilities.

- Section 3 of *The Members' Conflict of Interest Act* describes a conflict as follows:

> "3 For the purposes of this Act, a member has a conflict of interest when the member makes a decision or participates in making a decision in the execution of his or her office and at the same time knows that in the making of the decision there is the opportunity to further his or her private interest, his or her family's private interest or the private interest of an associate.

- Section 4 of the *Act* prohibits a Member from using any information that the Member may acquire in the execution of his or her duties, which information is not available to the general public, to further the private interest of the Member, his or her family or associate.

- Section 27 of the *Act* promotes the seeking of the advice of the Commissioner respecting the obligations of a Member under the *Act*, thereby diminishing the possibilities of breaches of the *Act* by a Member.

- Sections 29 and 30 of the *Act* give wide powers of inquiry to the Commissioner to investigate complaints of alleged breaches of the *Act* with authority to report to and recommend sanctions and penalties to the Legislative Assembly, which has final say as to the penalty to be imposed on any of its Members.

It has been my privilege to have served the Legislative Assembly since February, 2000 as Conflict of Interest Commissioner. During the year 2002, as in each year, I have had the pleasure of meeting with each Member of the Legislature, at least once. In my opinion, a high standard of ethical conduct has been maintained by each of the Members and with the exceptions remarked on in the next paragraph of this report, each of the Members has observed the letter and spirit of *The Members' Conflict of Interest Act*.

Private and Public Disclosure Statements

Each of the Members of the Legislature filed with me the required Private Disclosure Statement, although some Members were delinquent in observing the March 31, 2002 filing date set forth in the *Act*. I have recommended that the date for filing of Private Disclosure Statements be legislatively altered to April 30 from March 31, which change would permit Members to prepare their Private Disclosure Statements when assembling information for income tax returns. Each Member met personally with me, as required by Section 11(5) of the *Act*, to review the adequacy of his or her Private Disclosure Statement and I am satisfied that each Member's Private Disclosure is in accordance with the provisions of the *Act*.

The Public Disclosure Statement of each Member was prepared and filed with the Clerk of the Legislative Assembly prior to June 30, as mandated by Section 12 of the *Act*.

Amendments were passed in 2002 to *The Members' Conflict of Interest Act* to permit Members to prepare and file with me, in appropriate circumstances, a short form of Private Disclosure Statement.

Inquiry Pursuant to Section 30 of The Members' Conflict of Interest Act

By letter dated December 19, 2001, Brenda Bakken, the Member for Weyburn-Big Muddy requested that I investigate the activities of former Executive Council Member, Eric Upshall, for possible violations of *The Members' Conflict of Interest Act* and as well, asked me to determine whether officials of the Government of Saskatchewan, including former Agriculture Minister Lingenfelter and current Agriculture Minister Serby were involved in any breach of *The Members' Conflict of Interest Act*.

During the early months of 2002, I carried out an inquiry in this regard under Section 30 of *The Members' Conflict of Interest Act*. Ten witnesses were interviewed and all relevant documents were examined. On March 15, 2002, I filed a 42-page report with the Speaker of the Legislature. My inquiry determined that there had been no breach of *The Members' Conflict of Interest Act* by any person defined as a "member" by the *Act*.

My report recommended various amendments to *The Members' Conflict of Interest Act* to remedy specific deficiencies in the *Act* discussed in the Report. Appropriate amendments to the *Act* were passed in the 2002 session of the Legislative Assembly.

2002 Annual Meeting of CCOIN

The annual meeting of the Canadian Conflict of Interest Network (CCOIN) was convened at Regina on September 20 and 21, 2002. The business portion of the meeting took place at the Legislative Building and the annual formal dinner was held at Government House. Each of the attendees at the conference expressed the view that these were impressive settings for the carrying out of the important work of the conference. I wish to thank Monique Lovett, (Office of the Clerk) Debby Pinel and Theresa Wong (Financial Services) of the Legislative Assembly Office for the invaluable assistance they provided to me in organizing what all agreed was a successful annual meeting of Conflict of Interest and Ethics Commissioners of Canada.

Federal Rules for Conflict of Interests and Ethical Standards for the House of Commons

In November of 2002, I was requested to appear, along with two other provincial Conflict of Interest Commissioners before the Standing Committee on Procedures and House Affairs in Ottawa. I agreed to do so and provided the members of the Committee with information

respecting the operation of the Saskatchewan legislation from the perspective of the Commissioner. A Code of Conduct for Parliamentarians is being drafted and considered by the House of Commons and Senate of Canada and I was pleased to provide views and input on this issue.

Exemption Granted Pursuant to Section 34(5) of *The Members' Conflict of Interest Act*

No exemptions were granted pursuant to Section 34(5) of *The Members' Conflict of Interest Act* during the year 2002.

Budget and Expenditure of the Office of the Commissioner

The budget for the office of the Commissioner for the year 2002 was $122,000.00 and $98,550.45 of that amount was actually expended.

DATED at Regina, Saskatchewan, this 17th day of July, 2003.

G.L. Gerrand, Q.C.
Conflict of Interest Commissioner
for Saskatchewan